

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.16082 OF 2023
IN
FIRST APPEAL (ST) NO.2985 OF 2023

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Mohadin Akbar Mujavar and Ors ... Applicants

V/s.

Reliance General Insurance Co. Ltd.,
Mumbai and Anr. ... Respondents

WITH
INTERIM APPLICATION NO.2479 OF 2023
IN
FIRST APPEAL (ST) NO.2985 OF 2023
WITH
INTERIM APPLICATION NO.2480 OF 2023
IN
FIRST APPEAL (ST) NO.2985 OF 2023

Reliance General Insurance Co. Ltd.,
Mumbai and Anr. ... Applicants

V/s.

Mohadin Akbar Mujavar and Ors ... Respondents

Ms. Shalini Shankar, Advocate for the Appellant.
Ms. Priyanka Babar I.b Mr. Tajpal S. Ingale for Respondent &
Applicants in IA/16082/2023.

CORAM : RAJESH S. PATIL, J.

DATED : 9 OCTOBER, 2023

P.C.:

INTERIM APPLICATION NO.2479 OF 2023

1. Interim Application is filed for condoning the delay of four days in filing the First Appeal.
2. The counsel for Respondents state that he has no objection in condoning the delay and the matter be taken up for hearing.
3. Heard. I have gone through the contents of the Interim Application. I am satisfied that the Applicants have made out a case to condone the delay. Hence, Interim Application is allowed in terms of prayer clause (a).
4. The interim Application stands disposed of.

INTERIM APPLICATION NO.2480 OF 2023

1. This Interim Application is filed seeking stay to the execution and implementation of the impugned Judgment and Award dated 15 October 2022 passed by the concerned MACT.
2. By order dated 20 March, 2023 this Court directed the Appellants to deposit the decretal amount.
3. The decretal amount has been deposited before the concerned MACT. In view of the same interim relief granted by order dated 20 March, 2023 is extended till the hearing of the First Appeal.

INTERIM APPLICATION NO.16082 OF 2023

1. This Interim Application is for withdrawal of the decretal amount.
2. The applicants have stated that the wife of Original claimant no.1 has died at age of 55 years. The said deceased was taking

care of the family chores. It is further stated in the Interim Application that the Applicant's family has shifted to their native place, and they are in dire need of money.

3. It is further stated that the First Appeal is filed in the year 2023 and the same will take sometime to be heard and disposed of. Therefore, they have preferred the present Application to allow them to withdraw the amount deposited by the Insurance Company.

4. Heard. I have gone through the Interim Application. I am satisfied that the Applicants have made out a strong case for allowing this Interim Application.

5. The Applicants are permitted to withdraw 60% of the 'Award' amount deposited along with accrued interest at the ratio laid down by the impugned Judgment and award dated 15 October, 2022 upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

6. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

7. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

8. Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)